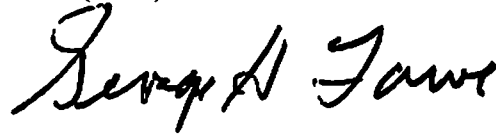


IT IS on this 9<sup>th</sup> day of July, 2009;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).



George H. Lowe, M.J.  
United States District Court

The undersigned hereby consent to the form and entry of the within order.

ANDREW T. BAXTER  
Interim United States Attorney

By: s/ Michelle L. Christ  
Michelle L. Christ  
Special Assistant U.S. Attorney

By: s/ Peter M. Margolius  
Peter M. Margolius  
Attorney for Plaintiff